



December 5, 2024

**Via ECF**

The Hon. Cathy Seibel  
United States District Court  
300 Quarropas St.  
White Plains, NY 10601

**Re: Cap 111 Enters. LLC v. Manhattan Beer Distrib., LLC, No. 22 Civ. 1408 (CS) (AEK)**

Dear Judge Seibel,

We represent the Plaintiffs and the proposed Class. The parties have executed a class action settlement agreement, and we write regarding two matters related to Plaintiffs' forthcoming unopposed motion for preliminary approval of the class action settlement and authorization of the proposed notice plan.

**First**, we respectfully ask that Your Honor waive the Court's pre-motion conference requirement for this unopposed preliminary approval motion. Plaintiffs are in the process of finalizing their motion and supporting papers and can complete the filing within one or two business days of authorization.

**Second**, in accordance with Your Honor's Individual Practice 2.B.i., Plaintiffs respectfully request that they be permitted to file a preliminary approval brief that is up to 35 pages.

The additional pages are needed to fully describe the proposed settlement's terms, the litigation and negotiation process that produced the settlement, the allocation plan, to demonstrate that the settlement satisfies Fed. R. Civ. P 23(e) and *City of Detroit v. Grinnell Corp.*, 495 F.2d 448 (2d Cir. 1974), that the proposed settlement Class should be certified, and that the notice plan should be authorized and implemented.

Thank you for the Court's consideration of this request.

Respectfully Submitted,

/s/ J. Burkett McInturff  
J. Burkett McInturff

*Counsel for Plaintiffs and the  
Proposed Class*

cc: All Counsel of Record (*via ECF*)